

# Notice of Allowability

Application No.

08/026,736

Examiner

Jeffrey S. Parkin, Ph.D.

Applicant(s)

ALIZON ET AL.

Art Unit

1648

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 26 August, 2005.
2. ☒ The allowed claim(s) is/are 11, 17, 20-23, and 28-31, renumbered 1-10, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 07/158,652.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Jeffrey S. Parkin, Ph.D.  
Primary Examiner  
Art Unit: 1648

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## **AMENDMENTS TO THE CLAIMS:**

The listing of claims will replace all prior versions and listings of claims in the application:

### **Listing of Claims:**

1-10. (Canceled)

11. (Currently amended) A purified antibody, which specifically binds with a peptide of human immunodeficiency virus type 1, wherein said peptide is selected from the group consisting of:

(a) the peptide having the following sequence of

**ORF-Q:**

Met-Glu-Asn-Arg-Trp-Gln-Val-Met-Ile-Val-Trp-Gln-Val-Asp-Arg-Met-Arg-Ile-Arg-Thr-Trp-Lys-Ser-Leu-Val-Lys-His-His-Met-Tyr-Val-Ser-Gly-Lys-Ala-Arg-Gly-Trp-Phe-Tyr-Arg-His-His-Tyr-Glu-Ser-Pro-His-Pro-Arg-Ile-Ser-Ser-Gly-Val-His-Ile-Pro-Leu-Gly-Asp-Ala-Arg-Leu-Val-Ile-Thr-Thr-Tyr-Trp-Gly-Leu-His-Thr-Gly-Glu-Arg-Asp-Trp-His-Leu-Gly-Gln-Gly-Val-Ser-Ile-Glu-Trp-Arg-Lys-Lys-Arg-Tyr-Ser-Thr-Gln-Val-Asp-Pro-Glu-Leu-Ala-Asp-Gln-Leu-Ile-His-Leu-Tyr-Tyr-Phe-Asp-Cys-Phe-Ser-Asp-Ser-Ala-Ile-Arg-Lys-Ala-Leu-Leu-Gly-His-Ile-Val-Ser-Pro-Arg-Cys-Glu-Tyr-Gln-Ala-Gly-His-Asn-Lys-Val-Gly-Ser-Leu-Gln-Tyr-Leu-Ala-Leu-Ala-Ala-Leu-Ile-Thr-Pro-Lys-Lys-Ile-Lys-Pro-Pro-Leu-Pro-Ser-Val-Thr-Lys-Leu-Thr-Glu-Asp-Arg-Trp-Asn-Lys-Pro-Gln-Lys-Thr-Lys-Gly-His-Arg-Gly-Ser-His-Thr-Met-Asn-Gly-His;

(b) the peptide having the following sequence of

**ORF-R:**

Met-Gly-Gly-Lys-Trp-Ser-Lys-Ser-Ser-Val-Val-Gly-Trp-Pro-Thr-Val-Arg-Gly-Arg-Met-Arg-Arg-Ala-Glu-Pro-Ala-Ala-Asp-Gly-Val-Gly-Ala-Ala-Ser-Arg-Asp-Leu-Glu-Lys-His-Gly-Ala-Ile-Thr-Ser-Ser-Asn-Thr-Ala-Ala-Thr-Asn-Ala-Ala-Cys-Ala-Trp-Leu-Glu-Ala-Gln-Glu-Glu-Glu-Glu-Val-Gly-Phe-Pro-Val-Thr-Pro-Gln-Val-Pro-Leu-Arg-Pro-Met-Thr-Tyr-Lys-Ala-Ala-Val-Asp-Leu-Ser-His-Phe-Leu-Lys-Glu-Lys-Gly-Gly-Leu-Glu-Gly-Leu-Ile-His-Ser-Gln-Arg-Arg-Gln-Asp-Ile-Leu-Asp-Leu-Trp-Ile-Tyr-His-Thr-Gln-Gly-Tyr-Phe-Pro-Asp-Trp-Gln-Asn-Tyr-Thr-Pro-Gly-Pro-Gly-Val-Arg-Tyr-Pro-Leu-Thr-Phe-Gly-Trp-Cys-Tyr-Lys-Leu-Val-Pro-Val-Glu-Pro-Asp-Lys-Val-Glu-Glu-Ala-Asn-Lys-Gly-Glu-Asn-Thr-Ser-Leu-Leu-His-Pro-Val-Ser-Leu-His-Gly-Met-Asp-Asp-Pro-Glu-Arg-Glu-Val-Leu-Glu-Trp-Arg-Phe-Asp-Ser-Arg-Leu-Ala-Phe-His-His-Val-Ala-Arg-Glu-Leu-His-Pro-Glu-Tyr-Phe-Lys-Asn-Cys;

(c) the peptide having the following sequence of

**ORF-1:**

Met-Glu-Gln-Ala-Pro-Glu-Asp-Gln-Gly-Pro-Gln-Arg-Asp-Pro-His-Asn-Glu-Trp-Thr-Leu-Gln-Leu-Leu-Glu-Glu-Leu-Lys-Asn-Glu-Ala-Val-Arg-His-Phe-Pro-Arg-Ile-Trp-Leu-His-Gly-Leu-Gly-Gln-His-Ile-Tyr-Glu-Thr-Tyr-Gly-Asp-Thr-Trp-Ala-Gly-Val-Glu-Ala-Ile-Ile-Arg-Ile-Leu-Gln-Gln-Leu-Leu-Phe-Ile-His-Phe-Arg-Ile-Gly-Cys-Arg-His-Ser-Arg-Ile-Gly-Val-Thr-Gln-Gln-Arg-Arg-Ala-Arg-Asn-Gly-Ala-Ser-Arg-Ser; and

(d) the peptide having the following sequence of

**ORF-4:**

Met-Gln-Pro-Ile-Gln-Ile-Ala-Ile-Ala-Ala-Leu-Val-Val-Ala-Ile-Ile-Ile-Ala-Ile-Val-Val-Trp-  
Ser-Ile-Val-Ile-Ile-Glu-Tyr-Arg-Lys-Ile-Leu-Arg-Gln-Arg-Lys-Ile-Asp-Arg-Leu-Ile-Asp-Arg-  
Leu-Ile-Glu-Arg-Ala-Glu-Asp-Ser-Gly-Asn-Glu-Ser-Glu-Gly-Glu-Ile-Ser-Ala-Leu-Val-Glu-  
Met-Gly-Val-Glu-Met-Gly-His-His-Ala-Pro-Trp-Asp-Ile-Asp-Asp-Leu.

12-16. (Canceled).

2 ~~17~~. (Currently amended) A purified monoclonal antibody, which specifically binds with a peptide of human immunodeficiency virus type 1, wherein said peptide is selected from the group consisting of:

(a) the peptide having the following sequence of

**ORF-Q:**

Met-Glu-Asn-Arg-Trp-Gln-Val-Met-Ile-Val-Trp-Gln-Val-Asp-Arg-Met-Arg-Ile-Arg-Thr-Trp-  
Lys-Ser-Leu-Val-Lys-His-His-Met-Tyr-Val-Ser-Gly-Lys-Ala-Arg-Gly-Trp-Phe-Tyr-Arg-  
His-His-Tyr-Glu-Ser-Pro-His-Pro-Arg-Ile-Ser-Ser-Glu-Val-His-Ile-Pro-Leu-Gly-Asp-Ala-  
Arg-Leu-Val-Ile-Thr-Thr-Tyr-Trp-Gly-Leu-His-Thr-Gly-Glu-Arg-Asp-Trp-His-Leu-Gly-Gln-  
Gly-Val-Ser-Ile-Glu-Trp-Arg-Lys-Lys-Arg-Tyr-Ser-Thr-Gln-Val-Asp-Pro-Glu-Leu-Ala-  
Asp-Gln-Leu-Ile-His-Leu-Tyr-Tyr-Phe-Asp-Cys-Phe-Ser-Asp-Ser-Ala-Ile-Arg-Lys-Ala-  
Leu-Leu-Gly-His-Ile-Val-Ser-Pro-Arg-Cys-Glu-Tyr-Gln-Ala-Gly-His-Asn-Lys-Val-Gly-Ser-  
Leu-Gln-Tyr-Leu-Ala-Leu-Ala-Ala-Leu-Ile-Thr-Pro-Lys-Lys-Ile-Lys-Pro-Pro-Leu-Pro-Ser-  
Val-Thr-Lys-Leu-Thr-Glu-Asp-Arg-Trp-Asn-Lys-Pro-Gln-Lys-Thr-Lys-Gly-His-Arg-Gly-  
Ser-His-Thr-Met-Asn-Gly-His;

(b) the peptide having the following sequence of

**ORF-R:**

Met-Gly-Gly-Lys-Trp-Ser-Lys-Ser-Ser-Val-Val-Gly-Trp-Pro-Thr-Val-Arg-Glu-Arg-Met-Arg-Arg-Ala-Glu-Pro-Ala-Ala-Asp-Gly-Val-Gly-Ala-Ala-Ser-Arg-Asp-Leu-Glu-Lys-His-Gly-Ala-Ile-Thr-Ser-Ser-Asn-Thr-Ala-Ala-Thr-Asn-Ala-Ala-Cys-Ala-Trp-Leu-Glu-Ala-Gln-Glu-Glu-Glu-Glu-Val-Gly-Phe-Pro-Val-Thr-Pro-Gln-Val-Pro-Leu-Arg-Pro-Met-Thr-Tyr-Lys-Ala-Ala-Val-Asp-Leu-Ser-His-Phe-Leu-Lys-Glu-Lys-Gly-Gly-Leu-Glu-Gly-Leu-Ile-His-Ser-Gln-Arg-Arg-Gln-Asp-Ile-Leu-Asp-Leu-Trp-Ile-Tyr-His-Thr-Gln-Gly-Tyr-Phe-Pro-Asp-Trp-Gln-Asn-Tyr-Thr-Pro-Gly-Pro-Gly-Val-Arg-Tyr-Pro-Leu-Thr-Phe-Gly-Trp-Cys-Tyr-Lys-Leu-Val-Pro-Val-Glu-Pro-Asp-Lys-Val-Glu-Glu-Ala-Asn-Lys-Gly-Glu-Asn-Thr-Ser-Leu-Leu-His-Pro-Val-Ser-Leu-His-Gly-Met-Asp-Asp-Pro-Glu-Arg-Glu-Val-Leu-Glu-Trp-Arg-Phe-Asp-Ser-Arg-Leu-Ala-Phe-His-His-Val-Ala-Arg-Glu-Leu-His-Pro-Glu-Tyr-Phe-Lys-Asn-Cys;

(c) the peptide having the following sequence of

**ORF-1:**

Met-Glu-Gln-Ala-Pro-Glu-Asp-Gln-Gly-Pro-Gln-Arg-Asp-Pro-His-Asn-Glu-Trp-Thr-Leu-Gln-Leu-Leu-Glu-Glu-Leu-Lys-Asn-Glu-Ala-Val-Arg-His-Phe-Pro-Arg-Ile-Trp-Leu-His-Gly-Leu-Gly-Gln-His-Ile-Tyr-Glu-Thr-Tyr-Gly-Asp-Thr-Trp-Ala-Gly-Val-Glu-Ala-Ile-Ile-Arg-Ile-Leu-Gln-Gln-Leu-Leu-Phe-Ile-His-Phe-Arg-Ile-Gly-Cys-Arg-His-Ser-Arg-Ile-Gly-Val-Thr-Gln-Gln-Arg-Arg-Ala-Arg-Asn-Gly-Ala-Ser-Arg-Ser; and

(d) the peptide having the following sequence of

**ORF-4:**

Met-Gln-Pro-Ile-Gln-Ile-Ala-Ile-Ala-Ala-Leu-Val-Val-Ala-Ile-Ile-Ile-Ala-Ile-Val-Val-Trp-Ser-Ile-Val-Ile-Ile-Glu-Tyr-Arg-Lys-Ile-Leu-Arg-Gln-Arg-Lys-Ile-Asp-Arg-Leu-Ile-Asp-Arg-

Leu-Ile-Glu-Arg-Ala-Glu-Asp-Ser-Gly-Asn-Glu-Ser-Glu-Gly-Glu-Ile-Ser-Ala-Leu-Val-Glu-Met-Gly-Val-Glu-Met-Gly-His-His-Ala-Pro-Trp-Asp-Ile-Asp-Asp-Leu.

18-19. (Canceled)

3 20. (Previously presented) The purified antibody of claim 11, wherein the peptide has the sequence of HIV-1 ORF-Q.

4 21. (Previously presented) The purified antibody of claim 11, wherein the peptide has the sequence of HIV-1 ORF-R.

5 22. (Previously presented) The purified antibody of claim 11, wherein the peptide has the sequence of HIV-1 ORF-1.

6 23. (Previously presented) The purified antibody of claim 11, wherein the peptide has the sequence of HIV-1 ORF-4.

24-27. (Canceled)

7 28. (Previously presented) The purified monoclonal antibody of claim 17, wherein the peptide has the sequence of HIV-1 ORF-Q.

8 29. (Previously presented) The purified monoclonal antibody of claim 17, wherein the peptide has the sequence of HIV-1 ORF-R.

9 30. (Previously presented) The purified monoclonal antibody of claim 17, wherein the peptide has the sequence of HIV-1 ORF-1.

10 31. (Previously presented) The purified monoclonal antibody of claim 17, wherein the peptide has the sequence of HIV-1 ORF-4.

32-35. (Canceled)